

*** * R E M A R K S * ***

Applicant wishes to acknowledge with appreciation the Examiner's analysis and efforts in examining this application.

The Official Action of September 3, 2003, has been thoroughly studied. Accordingly, the Terminal Disclaimer presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

As a preliminary matter, on page 3 of the Official Action, the Examiner has indicated that Claims 10-15 are allowable. The Applicant wishes to thank the Examiner for that indication. However, on the cover page of the Official Action the Examiner has also indicated that Claims 9-15 are allowable. It appears that Claim 9 was omitted from in the "Allowable Subject Matter" section of the Office Action. It is believed that the "Allowable Subject Matter" section of the Official Action should read "Claims 9-15 are allowed." No rejections or objections were made to Claim 9 in the Official Action. If the Examiner believes this position is incorrect, please contact the undersigned so that any outstanding issues can be resolved.

On page 2 of the Official Action, the Examiner rejected Claim 8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent Number 6,324,779 and unpatentable over Claim 7 of U.S. Patent No. 6,526,685. The Examiner determined that although the conflicting claims are not identical, they are not patentably distinct from each other because all of the limitations in Claim 8 of the instant application are disclosed in the above claims of the above patents.

A Terminal Disclaimer is being filed concurrently with this response in compliance with 37 C.F.R. 1.321(c). This Terminal Disclaimer disclaims the portion of any


patent term granted in this application which would extend beyond the expiration of United States Patent Numbers 6,324,779 and 6,526,685.

Further, on page 2 of the Official Action, the Examiner has indicated that the Affidavit under 37 C.F.R. 1.132 is sufficient to overcome the rejection of Claims 8 through 15. The Applicant wishes to thank the Examiner for that indication.

It is believed that the above represents a complete response to the Official Action and favorable reconsideration by the Examiner is requested. If, upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (15847/82399) and please credit any excess fees to such deposit account.

Respectfully submitted,


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